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Bernice Layne and Edmund G. Brown, Sr.
California Social Issues Oral History Series

Winslow Christian

THE HUMAN SIDE OF PUBLIC ADMINISTRATION

With an Introduction by
Edmund G. "Pat" Brown, Sr.

An Interview Conducted by
Gabrielle Morris
in 1992

Since 1954 the Regional Oral History Office has been interviewing leading participants in or well-placed witnesses to major events in the development of Northern California, the West, and the Nation. Oral history is a modern research technique involving an interviewee and an informed interviewer in spontaneous conversation. The taped record is transcribed, lightly edited for continuity and clarity, and reviewed by the interviewee. The resulting manuscript is typed in final form, indexed, bound with photographs and illustrative materials, and placed in The Bancroft Library at the University of California, Berkeley, and other research collections for scholarly use. Because it is primary material, oral history is not intended to present the final, verified, or complete narrative of events. It is a spoken account, offered by the interviewee in response to questioning, and as such it is reflective, partisan, deeply involved, and irreplaceable.

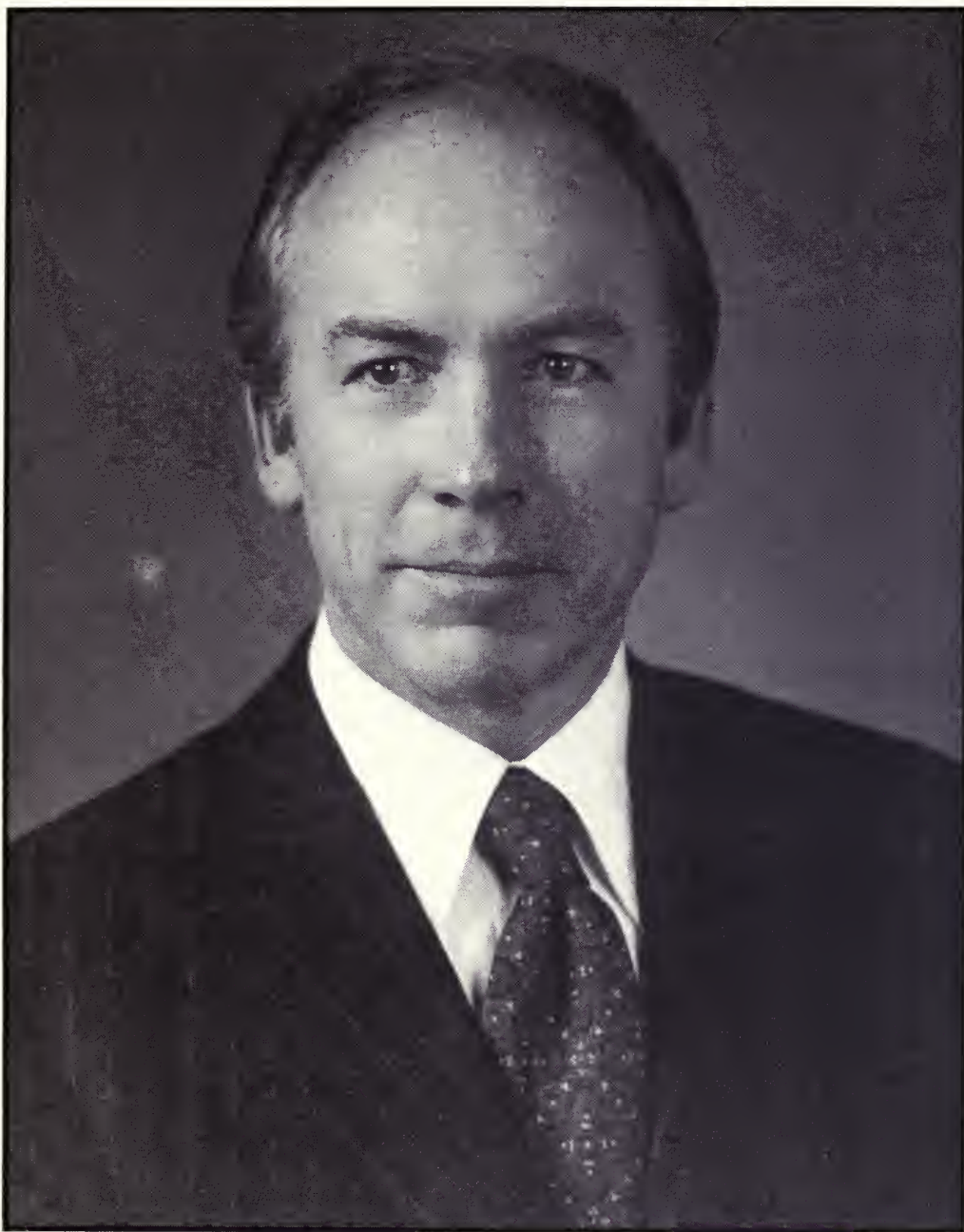
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Winslow Christian, circa 1966

Photograph by Harris & Ewing

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Judge

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Introduction by Edmund G. "Pat" Brown.

Interviewed by Gabrielle Morris, 1992, for the Bernice Layne and Edmund G. Brown, Sr. California Social Issues Oral History Series. The Regional Oral History Office, The Bancroft Library, UC Berkeley.

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PREFACE

The Bernice and Edmund G. Brown, Sr. California Social Issues Oral History Series was established in 1990 to document the work of selected men and women who have played key roles in shaping public policy issues of our times. The Series is made possible by an endowment created as part of a major gift to the University of California, Berkeley, Bernice Layne Brown's alma mater.

During Edmund Brown's years as attorney general and governor of California [1950-1966], and earlier as district attorney of the City and County of San Francisco [1946-1950], Pat, as he was known to all, and his wife were notable for their commitment to improvements in education, civil rights, health care, criminal justice, welfare, the environment--all aspects of social policy defining the quality of life of a state's residents. These efforts reflected their personal concerns, as well as their central involvement in the processes determining the nature and structure of human services, public and private, available in the state.

Official history and biography, concentrating as it does on widely-known individuals, turns first to the most visible players. Decisions and actions shaping an issue and an era, however, result from the actions of many other echelons of men and women, persons with varied viewpoints and expertise. Interviewees for the California Social Issues Oral History Series are eye-witnesses to and actors at many different levels in the continuous process of policy discussion and negotiation, progress and retrenchment in implementation. Their narratives incorporate in the series a record of important developments in professional thinking, and community attitudes into social policy over the years.

Oral history, and this California Social Issues Oral History Series in particular, provides a unique opportunity to preserve through the tape-recorded memoir a broad range of individual input and alternative insight, thus preserving a more complete picture of the past. Pat and Bernice Layne Brown's enlightened encouragement of this research to document the spectrum of individuals taking part in the decisionmaking that daily shapes the state, and by extension influences social policies nationwide, inspires the series. Voices often lost to posterity will be heard, and less visible figures will be seen.

Edmund G. Brown, Sr. has himself an assured place in the annals of California leadership. This oral history series bearing his name is a tribute to his perpetual interest in social policy issues, his perennial concern for people of all kinds, and his enthusiasm for getting out and talking with them. We thank Governor and Mrs. Brown for their generosity

in making it possible for the Regional Oral History Office to seek out and record this history.

The Regional Oral History Office was established in 1954 to augment through tape-recorded memoirs the Library's materials on the history of California and the West. The Office is administered by The Bancroft Library.

Inquiries as to other interviews on California government and social policies and further research in progress are welcome.

Gabrielle Morris
Senior Editor

Willa K. Baum
Division Head

October 1992
Regional Oral History Office
The Bancroft Library
University of California, Berkeley

INTRODUCTION--by Edmund G. "Pat" Brown, Sr.

The governor of the great state of California, if he is to be a successful governor, must surround himself with competent, imaginative, and indeed courageous people. Winslow Christian fits that description better than anyone I know. He is the epitome of a fine public servant.

Winslow has given most of his life to helping build a better California--and he is still contributing to the cause by his return to his real love--the judge's bench.

Winslow was a deputy attorney general in the early days of my term as Attorney General of California. He was a lawyer in private practice, District Attorney of Sierra County, Superior Court Judge, and I'm very proud to have appointed him to the California Court of Appeal in one of my final acts as governor in 1966.

Winslow has had an outstanding judicial career, he has made a real difference in the law and with the judiciary as a whole. Few people have done as much for California over these many years as has Winslow Christian.

My best memories of Winslow are of the years when he served as my executive secretary and chief of staff. Next to the presidency of the United States, the biggest executive job is as governor of the nation's largest state--with one of the world's largest budgets, a growing population, and the endless demand of its citizens. Winslow was the glue that held the governor's office together. He was a tireless worker, a thoughtful confidant, a political realist, a judicious executive, and he became my friend.

Edmund G. "Pat" Brown, Sr.

October 7, 1992
Los Angeles, California

INTERVIEW HISTORY

Winslow Christian was invited by the Regional Oral History Office to participate in the Bernice Layne and Edmund G. Brown, Sr. California Social Issues Oral History Series in order to document his experiences in policymaking and administration during an important period in the history of California human services programs. His interview is the first to be completed in this series.

As chairperson of the state Welfare Reform Commission in 1962-63 and administrator of the then recently formed Health and Welfare Agency in 1963-64, Christian's recollections provide valuable information on the twin issues of the time: to improve the organization and operation of health and welfare services and to take advantage of increased federal assistance programs. In addition, his comments add insight into Governor Brown's style of administration, his personal values, and his efforts to keep up with the flow of information on social issues of the day.

Christian later served as executive secretary during Brown's last two years as governor and, in 1966, was appointed to the state Court of Appeal. In 1983 he returned to private law practice as partner in the San Francisco firm of Hanson, Bridgett, Marcus, Vlahos & Rudy, soon taking on additional responsibility as head of litigation for the Bank of America. In 1992, he retired once again, to return to the small-town pleasures of the Gold Country, where he had begun private law practice in 1952; and again to be available as a superior court judge.

Judge Christian was interviewed on June 8, 1992 in the office he had occupied as attorney for Bank of America since 1984. A trim, tallish person with a relaxed manner, Christian leaned back from a crowded desk and talked easily of his early experiences in government. From his comments it is clear that he is observant, thoughtful, and cares about the human side of public administration. Recalling the welfare commission of the fifties, he notes that the same recommendations could be made today: to improve delivery of services and coordination between programs, and that it was important to consider the needs of an irascible but distinguished professorial board member who seems to have been somewhat of a bottleneck to policymaking.

He returns to the idea of the healthy personality as key to managing large administrative responsibilities such as the governor's office and the courts, and reflects on the sense of social concern that Pat Brown reflected when Christian, then a young assistant in the attorney general's office, met Brown in 1951. The interview also provides valuable insight on other such strong, colorful figures of the sixties as Hale Champion, who steered the governor's election campaigns as well as state financial policies; Jesse Unruh, the ironhanded assembly speaker who

rivalled Pat Brown in political clout; and Phil Burton, the brainy legislator who understood redistribution of income via federal funding programs.

Judge Christian reviewed the lightly edited transcript of the interview and made only minor revisions. He took the time to add written replies to several questions submitted with the transcript. The appendix includes a San Francisco Reporter article that appeared shortly after the interview which comments on his retirement and provides additional useful information on his thinking and the regard in which he is held by the legal community. As the first interview in the ongoing Social Issues Oral History Series, Christian's interview is a good introduction to the long-running nature of public and private concern for the quality of human services in California and the complex process of bringing about change in those services.

Thanks are due to Edmund G. Brown, Sr. for his introduction and to Frank Cullen for his assistance with arrangements for this volume.

Gabrielle Morris
Interviewer-Editor

August 1992
Regional Oral History Office
The Bancroft Library
University of California, Berkeley

Regional Oral History Office
Room 486 The Bancroft Library

University of California
Berkeley, California 94720

BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name WINSLOW CHRISTIAN

Date of birth 12 APRIL 1926 Birthplace CALDWELL, IDAHO

Father's full name JOHN CHRISTIAN

Occupation ACADEMIC Birthplace HOUSTON, MINNESOTA

Mother's full name BERNICE CHRISTIAN

Occupation TEACHER Birthplace MELBOURNE, WASHINGTON

Your spouse DONNA CHRISTIAN

Occupation ACCOUNTANT Birthplace STERLING, COLORADO

Your children MEGAN, JASON, SIDONIE

Where did you grow up? VARIOUS, IN CALIFORNIA

Present community CAMPTONVILLE

Education LAW, STANFORD

Occupation(s) LAWYER, ADMINISTRATOR, JUDGE

Areas of expertise LITIGATION, PROGRAM
INNOVATION

Other interests or activities MUSIC, LITERATURE

Organizations in which you are active AMERICAN LAW INSTITUTE

BIOGRAPHICAL SUMMARY

Winslow Christian

BORN:	Caldwell, Idaho April 12, 1926	MARRIED:	Donna Hammond June 12, 1948
		CHILDREN:	Megan, Jason, Sidonie
EDUCATION:	University of Maryland - 1942-43 Stanford University B.A. - 1947 LL.B. - 1949	MILITARY SERVICE:	United States Navy 1944-46

PROFESSIONAL BACKGROUND:

California Bar	1949
Fulbright Teaching Fellowship Law Faculty of Rangoon University Burma	1950
Deputy Attorney General of California	1951-1952
Private legal practice City Attorney for cities of Loyalton and Portola, California	1952-1954
District Attorney of Sierra County	1954-1958
Judge of the Superior Court	1958-1963
Administrator California Health & Welfare Agency	1963-1964
Executive Secretary to Governor Edmund G. Brown	1964-1966
Executive Director National Center for State Courts	1971-1973
Justice California Court of Appeal	1966-1983
Member, Litigation Section Hanson, Bridgett, Marcus, Vlahos & Rudy San Francisco	1983-
Senior Vice President/Director of Litigation, Bank of America	1984-

SERVICE ACTIVITIES:

Member, California Judicial Council	1971-1972
Member, American Law Institute	1972-
Member, Judicial Administration Division Lawyers Conference Task Force on Reduction of Litigation Cost and Delay, American Bar Association	1985-
Member, Executive Committee National Council on Crime and Delinquency	1986-
President, Foundation for Judicial Education	1982-

PUBLICATIONS:

Burma's Constitution and Supreme Court
(1951) 25 Tulane L.R. 47.

Delay in Criminal Appeals: A Functional
Analysis of One Court's Work
(1971) 23 Stanford L.R. 676.

Using Prehearing Procedures to Increase
Productivity
(1971) 52 Fed. Rules Decs. 1955.

I PERSONAL BACKGROUND

[Interview 1: June 8, 1992]##¹

Morris: We like to start at the beginning. Did you grow up in mountain country like that photograph over your desk?

Christian: No, that's Salmon Lake, in Sierra County, which my family and I've had since 1958. We operate a resort up there.

Morris: That's sounds like fun. That's beautiful country. Are you a Californian born and raised?

Christian: No, I was born in Idaho. I'm just going to give you a little résumé sheet.²

Morris: That's a big help. Okay. You started at the University of Maryland in '42, went into the navy, and then came back to Stanford to finish? How did you happen to switch from Maryland to Stanford?

Christian: We had been Westerners. My father was a master's candidate at Stanford when I was a fifth-grader. So I remembered the scene. He then went into the army; when he went overseas, the family moved back to California. I saw a chance to move and transferred to Stanford at that point.

Morris: And decided to stay in California when you finished law school.

Christian: Yes. California has been the family base since about 1938. This Eastern connection was ephemeral. We were East about two years during my father's military duty but basically the family were Westerners.

¹ This symbol (##) indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page following transcript.

² See front pages of interview.

Morris: Did you grow up with a family interested in politics and government?

Christian: Yes. [phone interruption]

Morris: I was asking if you had a family who introduced you to an interest in politics.

Christian: Yes. My father was a scholar in the history of government. The household conversation was so oriented. He was a conservative thinker, of conventional Republican orientation.

Morris: And a career military man?

Christian: No, he was an academic. He went into the army during the war. His last appointment before going into the service was in the history department of the University of Washington in Seattle, Far Eastern history.

Morris: I see. So you got a good grounding.

Christian: That's right. Then, of course, a bright youngster departs from the traditions of the household and becomes a liberal. That's a common pattern.

Morris: That is often the case. Also, you were growing up at a time when there were interesting things happening in the Democratic party. So you and your father both served in World War II.

Christian: Yes. He was killed in the British invasion of Burma, the recapture of Burma.

Morris: Oh, my goodness. He was captured?

Christian: He was killed. His landing craft hit a mine and was destroyed. I was still in training in the navy at Gulfport, Mississippi. The war was soon over. By the time I got overseas, the war was over.

Morris: You went back to Burma on a Fulbright scholarship.

Christian: On a Fulbright, yes.

Morris: Did you pick Burma?

Christian: Very much so. I was much interested in going back. You see, my childhood was in Burma so I was much interested in going back, and my wife, Donna, and I spent a year there.

Morris: That must have been quite an experience.

Christian: It was wonderful.

Morris: Was it much like you remembered it?

Christian: Of course, Burma was newly independent, there was still much war-time damage, a very turbulent political situation. I was doing research and teaching at Rangoon University. It was poignant to see these people trying to struggle into an independent status in the modern world while affected by these retrograde influences which later on took over.

Morris: Absorbed it.

Christian: Yes. So the country is now closed and in terrible shape.

II ATTORNEY GENERAL'S OFFICE, 1951-1952

Morris: And then when you came back to this country, you signed on with the attorney general's office?

Christian: Yes. Pat Brown was then just taking office as attorney general of California. I came in as a civil service deputy in his office.

Morris: Had you had the idea of working in government on your mind?

Christian: Yes. In fact, I took the state civil service exam before going to Burma. When we got back a year later, I found out that I had come to the top of the list.

Morris: Good for you.

Christian: I mean, that's the way my life has been.

Morris: You have been in the right place at the right time. Looking at the vita that I put together, it definitely looked like a fast track.

Christian: Right.

Morris: What was going on in the attorney general's office at that point?

Christian: My viewpoint at that time was rather restricted. I was a new lawyer assigned to the criminal division handling criminal appeals and habeas corpus cases. I had very little contact with the attorney general. We juniors of course knew him, knew who he was, had a sense of his personality and his interests.

The San Francisco office had, in my guess, forty deputies at that time so the attorney general and his closest team, with statewide responsibilities and with a political role to play, had little occasion to be closely supervising the work of deputies. There were seniors doing that.

But Pat Brown had some sense--Oh, he used to entertain deputies in sequence. I was at his house one time at one of those events. I think I had to report to him on one or two little projects in the office. So the contact was not close at all. But I gained a sense of his personality and value system and he may have had some concept of me as a bright young deputy in the office. That's all there was to it.

Morris: Did you have a sense that he was an activist attorney general?

Christian: Oh, yes. Very much so.

Morris: Anything in particular?

Christian: He was, in a conventional but very honorable way, interested in putting down corruption in government. He was very active.

Morris: In the Earl Warren Republican tradition?

Christian: In the same mold, right, so that if there was local corruption or some problem of that kind, the resources of the office were very actively used. He also was concerned with--I can't remember what the big fights of the day were, but there was the beginning of some consumer activism.

Morris: How about civil rights?

Christian: I don't remember that. I don't think the country was sensitized yet.

Morris: That's interesting.

Christian: There would have been no doubt where he would stand with an issue of that kind coming up.

Morris: How about capital punishment?

Christian: The office had the job of resisting appeals against death judgments.

Morris: Resisting appeals?

Christian: Resisting, right. In other words, we were the government's lawyers when somebody was appealing from a death judgment.

Morris: So your job would be to uphold the verdict of the court?

Christian: That's right. He did not interfere with that at all. But we all knew that his personal preference was to abolish the death penalty.

Morris: That far back you were aware of that?

Christian: Yes.

Morris: Can you recall why you knew he was personally opposed to the death penalty?

Christian: Not specifically, but Pat Brown never hid his opinions on that subject.

III SIERRA COUNTY SOJOURN, 1952-1963

A Fortuitous Opening: Democratic Party Activities

Morris: Then how did you decide to go up to Loyalton?

Christian: This was another one of those fortuities. The senior person in charge of the criminal division was Arthur Sherry, later a professor at Boalt [Hall, University of California, Berkeley, law school]. There was an instance of the district attorney in Sierra County being charged with embezzling a cash deposit of bail. Arthur Sherry went up to prosecute this case. I helped him. I was the junior person assisting this prosecutor. When the case was over--.

Morris: There was a vacancy in the district attorney's office?

Christian: Right. So Sherry brought it up. He said, "It's not up to me to encourage the help to leave, but if I were your age, I would certainly look at the situation." [laughter]

Morris: Okay. It doesn't surprise me, because I know of another young fellow who went to practice law in Quincy in his mid-twenties. It was surprising how quickly he became district attorney of Plumas County, another northern mountain county.

Christian: So Donna and I went up there and opened a law practice. Two years later I was elected district attorney and four years after that judge of the superior court.

Morris: Tell me what the politics and issues were in Sierra County.

Christian: It's a dear place with a small population. The organized community is lumber and sawmill workers on the eastern side and government and service activities in the West. I got active in politics and soon became chair of the Democratic Central Committee of the county.

- Morris: There wasn't an established group that felt people should take turns and wait their turn?
- Christian: No. There were seniors around like Bud Mitchell of the Lumber and Sawmill Workers Union, and Ross Taylor, the county surveyor over on the west side, but no feeling of old-guard entrenchment. I got along well with all of them. It was an enjoyable experience. Then I became co-chair of the Second Congressional District Democratic organization.
- Morris: Who was your congressman then?
- Christian: Clair Engle was the congressman before he became senator. Then he was elected to the senate in the same election that Pat Brown was elected governor and Harold T. Johnson went to Congress.
- Morris: In 1958.
- Christian: 1958, yes. That was the election when I was elected judge of the superior court.
- Morris: You ran? You weren't appointed first?
- Christian: No. The Republican governor, Goodwin Knight, appointed a Republican candidate who, unfortunately for him, hadn't been in the county long enough.
- Morris: He was a legal resident--?
- Christian: He was a legal resident but he was seen by the locals as an opportunist. I was also an opportunist [chuckles]; I had been there three or four years longer.

Grassroots Politics

- Morris: That's interesting.
- Christian: This was partly me and my wife, too. We loved the area, loved these people, and just fit right in so they quickly regarded us as being of their own.
- Morris: Makes a difference.
- Christian: Sure.

- Morris: Is your wife interested in political activities too?
- Christian: Yes, very much so.
- Morris: Women's part of the--?
- Christian: Yes. She was treasurer of what she used to call--she doesn't now because she's had her consciousness raised--the Northern California Lady Democrats. [laughter]
- Morris: Okay. Thirty years ago, lady-like behavior was important.
- Christian: No, that was Donna's humor. Actually the women Democrats were always more interested in doing work effectively.
- Morris: The Lady Democrats saw themselves as a separate organization with separate activities?
- Christian: Yes. The aim, I'm sure, was to preserve an opportunity for women's activity, whereas if the party were unisex, women would have been marginalized at that time.
- Morris: This was before there was a custom of a vice chair of the party who was a woman?
- Christian: No. There was such a custom already. But there also existed a women's division within the party.
- Morris: Would you have gotten, and/or your wife, involved in the early days of the California Democratic Council?
- Christian: Right. We did.
- Morris: How did that come to Sierra County?
- Christian: I was by then county chair and the county chair was ex officio a member of the CDC.
- Morris: Really?
- Christian: Yes. There was also a network of clubs, an unofficial thing, but the CDC intended to be inclusive so room was made for official party participation.
- Morris: Okay. Now that's something I haven't picked up in other interviews. If anything, I understood there was some rivalry between CDC and the official party.

Christian: There was indeed; but there was a connection with the official party and I was active in CDC.

Morris: Would you have gone to the founding meeting in Asilomar?

Christian: Yes, I was there.

Morris: Because you were keeping an eye on things Democratic or there was an effort to organize CDC clubs in the north?

Christian: I can't remember. I suppose Don Bradley told me to go.

Don Bradley and Pierre Salinger Organize Special Elections

Morris: When did you meet Don?

Christian: I probably first met him when I was still in the attorney general's office but I became closer to him after we moved to Sierra County because he and Pierre Salinger set up this travelling circus of going around, electing Democratic senators at special elections in Lassen County, Colusa County, all over, and I helped in some of those in a small way.

That's what really drew me into the political establishment. It was after I had left the attorney general's office and was up there with my own small base, then becoming active through the professionals in the party, of whom Don Bradley was the chief and the most illustrious.

Morris: Pre-eminent, yes.

Christian: A wonderful man.

Morris: Yes. What was his approach to organizing a campaign? What kind of things did you learn?

Christian: [laughter] Well, they were very artful. The one I was closest to was the election that produced Stanley Arnold from the district that included Lassen and Modoc. Was Plumas part of that district? I don't remember. Anyway, Stan Arnold had been the district attorney of Lassen County, based in Susanville. So Salinger and Don, using money raised by--.

Morris: [The Democratic State Central Committee Chair] Roger Kent?

Christian: Roger Kent. Went up there, moved into a hotel, and just went around helping Stan with some ideas about speeches and what kinds of appearances [to make]. Stan was no dummy, of course. He was a local politician with his own base, and a good natural candidate. But then they published fliers to put out and they issued a newspaper that was a pretend newspaper. It had one issue, came out just before the election. [laughter] They were full of beans, full of inventive ideas. All their ideas worked, and it was terrific for them, and they won several elections.

Morris: I should say. This was sort of one step above the talk to your friends in the Rotary Club and the golf club and things like that? Putting in a little more professional technique?

Christian: Right.

Morris: Those counties had had primarily Republican officeholders?

Christian: Yes. The registration tended to be pretty heavily Democratic in rural California at that time. But because the Republicans were more organization-minded and tended to work up through the chairs of local government, city councils and boards of supervisors, that sort of thing, Democrats holding office at the state level was not common. Brown up here in rural Northern California had a big effect in changing that.

Morris: This was his idea or was he working with Roger and Don Bradley?

Christian: Roger was the leader of the party and Don was somebody who had come from the Sailors Union of the Pacific into party work. Roger had the insight to realize that the party needed full-time professional activity. He brought Don in for that purpose and a whole camorra of workers. I was associated (around the edges) as a county central committee chair and congressional district chair with Judy Conley, of Chico.

Morris: There was another guy with a union background whose name I should have at the tip of my tongue. He lived in the East Bay.

Christian: Bert Coffey?

Morris: Him too, but he was attached to George Miller, Jr.

Christian: Correct. Oh. Van Dempsey?

Morris: That's the one I was thinking of. Did he come on this northern swing?

Christian: He came a little later.

Morris: I would like to ask one more question about Pierre Salinger before we get back into it. He was a young newspaperman at that time?

Christian: Yes. I didn't know Pierre very well at all.

##

Morris: Did he impress you at the time or was it just that he was another political person working with Don?

Christian: He was a peer of Don's but a junior peer. Don was very much in charge but he respected Pierre, and the two of them worked together very effectively. They both had this tremendous gusto for what they were doing. They thought it was the most fun.

Morris: It must have been.

Christian: It was. It was terrific.

Morris: Did they know people in those counties or were they counting on people like you to introduce them?

Christian: They were very good at getting in. I'm sure they financed Stan Arnold and got him to run. I'm not sure how they did that. There must have been a county central committee chairman. They talked to that person, talked around, read the local newspapers, got informed very quickly.

Morris: So it can be done in a fairly short space of time if you put your mind to it.

Christian: Yes.

Serving as District Attorney and Superior Court Judge

Morris: Okay. So what were you able to accomplish, either as district attorney or on the bench?

Christian: Well, I stayed out of trouble. Being DA of a country county--.

Morris: Observing your predecessor's misfortune?

Christian: If you make it, being DA of a country county is superb training for political activism and for professional growth. It really is small-scale statesmanship. You've got to look around. You're surrounded with potential enemies and opportunities for missteps are endless.

Morris: Why is that?

Christian: It's something else. Everybody tries you out, so you have to get the civics of the office straight, get it straight and then hold it straight.

Morris: Civics in terms of civic factions and dynamics?

Christian: No, of doing the job the way that it's intended. I'll give you an example. I had been in office less than a week when the board of supervisors met. They asked if I would come to attend their meeting. One supervisor in the board meeting asked what I intended to do with a particular criminal case pending in his district, affecting one of his constituents. I had no warning that this was going to happen, so I had to extemporize.

I said, "Mike, this is difficult. In my job as county counsel"--the offices of D.A. and county counsel were united-- "I'm the county's and the board's civil lawyer. I will do your bidding, give you the best advice I can, but your policies will control. But I, the same person, have another job and that's being district attorney. On that job, I'm responsible to you only for budget. I've been elected by the people of the county to do that job. There is a lot of discretionary authority with that job which I will perform to the best of my ability. But I will not account in this room for the use of that discretion.

"Now, Mike, if you like, you come on up like any citizen and we'll talk about it in my place, okay?" He didn't like that but I had to do that to establish the independent authority of the district attorney's office. You have to follow the right rule but at the same time be respectful and open and communicate clearly. That's why it's hard work.
[laughter]

Morris: After that, did you get along well with the members of the board of supervisors?

Christian: Yes, but it was always a guarded relationship.

Morris: They were mostly pre-existing in the office?

Christian: Before my time. None of them with broad education; some were very sound community leaders and others not. I once attended a meeting of the board of supervisors of Los Angeles County. I was astounded. They had the same horse's asses there that we had in Sierra County. [laughter] Service as district attorney was a very difficult but successful experience.

Morris: How was it different when you moved to the superior court?

Christian: Being judge of the superior court of a one-judge California county is the nearest thing to a title of nobility any American can have. You are not expected to be in politics. You are dealing with cases one at a time in a setting of openness and deliberation. To maintain the correct image for the judicial function, you must show respect and accommodation for every participant in the process, but a style of easy formality is needed. It's a bit like being an effective captain of a ship. There needs to be a little distance so that the "old man," even a very young one, remains someone whose doings are not generally open to question.

Morris: Like Caesar's wife, you have to be above reproach?

Christian: Of course, and you have to be very careful. But the role is so well established in tradition and in law that it is for someone like me a very easy and comfortable role.

Morris: In a one-judge county, from your description, it sounds like it's a simpler, more direct task than in a larger county where you have people beholden to you for more kinds of actions?

Christian: I have not thought about that. At any rate, the tradition of the role is such that it supports and hedges about the judge in a way that makes it easy for him, if he has a healthy personality, to function well. You have to be a real idiot to get in trouble as a judge.

Morris: When you were in that spot, were there the questions about judicial activism that have come to be so much discussed?

Christian: No, it was a different social atmosphere completely. In a controversial issue, I would usually have been assigned to another court where the local judge was disqualified. I had to rule, for example, on a citizen lawsuit to enjoin the construction of a new courthouse in Butte County. That was a controversial local issue. But it didn't have the social overtones at all of the kind of litigation that one sees nowadays.

Christian: I was very much a citizen of the age. I was reading widely all the time. I was aware of what was going on in the world. I became personally involved more after joining the Brown Administration because I was Health and Welfare [Agency] Secretary (then called "Administrator"). Social issues were coming into ferment by that time.

Morris: When you ran for superior court, did you think that you might stay there?

Christian: Yes, I expected to stay there.

Morris: Make it your professional career.

Christian: Absolutely.

Morris: And maybe move up the court ladder?

Christian: I thought that unlikely from a rural base like that. I expected to stay there until retirement.

IV GOVERNOR'S WELFARE STUDY COMMISSION, 1962-1963

Assembling the Commission: Functional Concerns

- Morris: So when Don Bradley--.. Was it Don Bradley who came to talk to you about the welfare study commission?
- Christian: It was a phone call.
- Morris: Had you stayed in touch with Pat through party matters?
- Christian: No, because we do have a very strong tradition in California of judicial non-involvement in party politics. As soon as I went on the bench, I had no further contact with the party. I took the oath and entered a new and very different phase of life.
- Morris: What was there that made Don think of you?
- Christian: Don remembered me from our recent contact. I don't want to over-emphasize that. I was a helpful hanger-on, rather than an important political mover, but I had been with him enough that Don knew me and knew that I admired what he was doing. We were friends. New legislation that called for creation of the Welfare Study Commission specified the qualifications of the members. There had to be a district attorney, a probation officer, a judge, two welfare directors, two public health directors. That sort of specification. So they needed somebody who was a judge and they also needed somebody who would be chair. Somebody had the idea, "Well, let's let Christian be both."
- Morris: Did they need somebody from a northern county?
- Christian: No.
- Morris: There was no political connection.
- Christian: None other than the personal contact with Don Bradley.

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Morris: Had you been aware that this commission was being talked about?

Christian: No. I had no knowledge of it at all.

Morris: Any particular interest in welfare issues at that point?

Christian: My political and social opinions had jelled, so to speak, in my early twenties: I held a set of values, which I still hold, which would resemble those of a Scandinavian Social Democrat--.

Morris: Are you Scandinavian by ancestry?

Christian: Yes. I also had some personal experience with welfare problems, broadly defined, as a local government official: both as district attorney and as judge. I was seeing family circumstances and situations of deprivation and areas of not-good function that caused a lot of concern.

Director of Social Welfare John Wedemeyer

Morris: Did you say yes right away or did you take some convincing?

Christian: My recollection is I said I was interested and I wanted to come and talk about it, read the legislation and talk about it. Then I came to Sacramento and Don, I believe, introduced me to the director of the state Department of Social Welfare.

Morris: John Wedemeyer?

Christian: John Wedemeyer, right.¹ Wedemeyer informed me as to the background of the legislation, why the administration was trying to do this and what his hopes were. We got acquainted and established a good working relationship.

Morris: What was it that they wanted to accomplish with this commission?

¹See interview with Wedemeyer in Perspectives in Department Administration, California, 1953-1966, Regional Oral History Office, University of California, Berkeley, 1980.

Christian: It's just sad. You could think of doing this whole thing over again now. The idea was to examine the categorical aid programs and try to produce an analytical synthesis that said, here's what we're doing. Here's what we're not doing. Here's how this one works. Here's how that one works. Are the categorical aid programs, particularly those affecting dependent women and children, promoting family health or family breakdown? What ought to be done about that? How is the county administration of welfare functioning? Is it done well? Could it be done better? Is there a healthy relationship between the welfare programs and such of the state public health programs that had welfare impact, particularly the maternal and child health programs that had federal support?

Morris: And mental health?

Christian: Mental health was also a concern. The director of the Department of Mental Hygiene was a member of the commission.

Morris: Was the funding heavily federal at that point or was it mostly state?

Christian: This was a mixture of federal, state, and local. There was a lot of local money in it at that time. There was a question of the relationship between the categorical aids and so-called general relief, which is totally local. Should the categorical aids that have federal money be expanded so as to relieve some of the local cost of general relief. That was one of the issues.

Legislative Concerns: Phil Burton's Input

Christian: Now, this was kind of an on-the-merits, over-the-top view. Underneath, there was an angry feeling in the legislature that these programs were not working right, that the welfare director was probably no good, the governor's too liberal; the typical mishmash of opinions was underneath.

Morris: Where in the legislature particularly were these feelings coming from?

Christian: Commonly in the Senate Committee on Government Organization, of which Senator Luther Gibson was chair. He came onto the commission as a member. Another senate member was James Cobey, who had done an interim study of welfare for the senate a couple of years earlier. The assembly members were Phil Burton

and--. Phil Burton overshadowed the other assembly member so much I can't remember his name.

Morris: I'll see if I can find it. I did by the way borrow the notes from John Jacobs interview with you, which were a great help.¹

Did Burton overshadow also the senators on that committee?

Christian: Burton did. Cobey is a judicial colleague of mine; he's still active and he's a capable person. But Phil was very much stronger in knowledge of the federal programs and in skill as a political manipulator. He was really something else. Cobey contributed, but essentially went along.

The view I have on this is somewhat cynical. Phil paid some attention to the work of the commission on these issues of merit about functional relationships and how this wasn't an effective program and so on. His private agenda was one which he carried forward with brilliant success and that was to expand to the maximum extent the federal participation in the programs. That was his total agenda. He was not really interested in social work, having good kindergartens for kids, and that sort of thing. What he was interested in was money.

Morris: Getting money out to the constituents?

Christian: Getting money out to the people who need it. There was a mixture of political motive on his part and also an altruistic one. He thought that poor people ought to have money.

Morris: The redistribution of income to the welfare recipients.

Christian: That was dominant. So he was not interested in all the--. The commission recommended some enhanced state support for professional education for social workers. Well, Phil carried the bill just out of accommodation. He couldn't care less. His interest was in increasing monthly grants to the blind, the disabled, families with dependent children.

¹See supporting documents in The Bancroft Library. S.F. Examiner reporter Jacobs had interviewed Mr. Christian for a biography of Mr. Burton, scheduled for publication in 1993 by University of California Press.

Reports, Hearings, Social Welfare Director John Wedemeyer

- Morris: That was happening in other states besides California in that period. Did Pat Brown participate in these discussions to any extent?
- Christian: There was one interim meeting with him. We then rendered and published a report. I made sure that the governor's staff were well informed of what was happening. They saw interim reports of the subcommittees and that sort of thing. I don't remember that we had involvement with the governor until the commission rendered its final report to him and to the legislature.
- Morris: How much time does it take to be the chair of a commission like that?
- Christian: It seems to me it went on about a year and a half. We met at monthly intervals and there were some additional subcommittee meetings. It was a substantial commitment of time. Between meetings there was much work with pertinent officers (particularly Wedemeyer) and with staff of the Commission.
- Morris: Did I read somewhere that you went on the road and did hearings around the state?
- Christian: Yes, we did.
- Morris: Did you hear mostly from poor people?
- Christian: We heard from poor people and from taxpayers and from local government officials, education people. We would, of course, have our staff organize the hearings. In other words, in planning a hearing in Los Angeles, we would specify subjects on which we needed information. So the staff would go out and find people who were interested in those subjects.
- Morris: How complicated was it to find a welfare mother or a guy who was getting disability payments, stuff like that?
- Christian: It was staff work. That was well done. I'll say candidly that was not the primary---. We thought we were getting pretty decent insight into these problems and these programs from the professionals.
- Morris: The county welfare people?

Christian: County and state welfare people. We also had consultants that we contracted with, independent consultants who did studies of welfare financing and administrative issues.

Morris: Do you remember who the consultants were?

Christian: Greffenhagen and Kroeger was one, a firm based in San Francisco. It seems to me there were four separate, major consultant contractors. One on welfare administration, another on finance, and one on welfare and the family. This was a long time ago; I don't remember them all.

Morris: Were any of them university people?

Christian: They were all private consultants I believe.

Morris: I've heard that Tom Joe was an important staff member for the commission, and Jacobus ten Broek--.

Christian: Ten Broek was a member of the commission. Very active. Very good. Tom Joe's primary activity, at least as I saw it, was in the legislative effort after the commissions's report was published.

Morris: Was ten Broek helpful or going his own way?

Christian: I found him very hard to handle. I had the utmost respect for this great man, which he was. My job was to accommodate to his personal needs in such a way as to help him contribute in an effective way. That I did.

Morris: He was a distinguished University of California professor. He must have looked at you as a rather bumptious young fellow, yes?

Christian: Perhaps so. But we came to an accommodation. I think the relationship was of reciprocal respect, after we had worked together for a while.

Morris: You say you had to meet his needs.

Christian: I mean to keep him under control so that the commission could function but not shut him up so that he could not contribute and would resign in a huff. It was a balancing act.

Morris: You can give him respect for what he stands for.

- Christian: Give him respect, make room for him but not let him take over the thing. It was a very worthwhile effort; this was a man of great learning and of passionate devotion to social justice.
- Morris: I regret that I came along too late to make his acquaintance.
- Christian: Maddening. [laughter] He was chairman of the state Social Welfare Board, which was the policy board. One of our recommendations was to get the board out of the policy business and have them be advisory and have the department be more responsible.
- Morris: Give the board a more responsible position or ten Broek--?
- Christian: Have the director more able to do things without policy direction from the board.
- Morris: The board had actual administrative responsibilities?
- Christian: They had actual administrative and policy responsibility, which seemed to the commission completely unsound.
- Morris: That was then instituted and ten Broek did resign.
- Christian: I guess so.
- Morris: Yes, later on. How about John Wedemeyer?
- Christian: Wedemeyer stayed on after my time. He was still welfare director when I was the Health and Welfare secretary.
- Morris: Was he part of the energy that brought this commission to be or was he part of the problem?
- Christian: I think that he had the concept that there was all this tension and confusion out there and that it would be a good thing to focus on and to provide a forum for a somewhat systematic evaluation of the whole field of public welfare. I think he had a lot to do with it.

Maximizing Categorical Aid Programs via AB 59

- Morris: Did your recommendations deal with those gaps and overlaps?
- Christian: Right. So out of the work of the commission came the notorious or famous AB 59 that Phil Burton crafted.

Morris: It's major thrust was?

Christian: Looking at it now, from this distance, the major thrust was to have all the state categorical aid programs expanded to the maximum extent allowed by federal law. That's what really happened. [laughter]

Morris: The legislature probably thought that was a great idea.

Christian: Yes. It brought in more federal money. It did give some relief to local treasuries and some relief to the state.

Morris: Did it do anything about coordinating any programs?

Christian: There was major improvement in the AFDC [Aid to Families with Dependent Children] program. Grant levels were increased; eligibility was changed so as to eliminate some of the motivation for a family to split so it could be eligible.

Morris: The absent-father syndrome?

Christian: Right. But I can't claim that it was effective.

Morris: Did you think that you were going to end up in charge of the Health and Welfare Agency?

Christian: No, that was a total surprise.

Morris: Do you think that this whole exercise had a bearing on Phil Burton running for Congress, which he did in '64?

Christian: I see it as a relevant circumstance but not more than that. It was obvious to anyone working with him that he was one of the abler members of either house of the legislature. He was driven with ambition. If this hadn't been there, I think he would have gone to Congress anyway.

Morris: How did he become an expert in federal programs and legislation?

Christian: He just got interested in the area.

Morris: As a source of money to improve--.

Christian: As a source of money. He took advice from able people including Tom Joe. He was very smart. He read the regulations, he read the statutes, and he remembered everything he read. He was a very able person.

Morris: Did you find him difficult to deal with?

Christian: No. It was very professional. When I was Health and Welfare secretary, I might have a major meeting with department heads dealing with some problem. The door would break open and here's Phil Burton. He said, "Come out a minute, would you?" So I would have to leave my meeting and go talk to Phil. Well, I gave him that attention. It was a very effective business-like relationship.

Morris: Even though it included breaking into your agency staff meetings?

Christian: Right. He was very demanding, not tactful, had no real friends, but was admired and respected by those who worked with him, including his enemies. [laughter] He was something else.

V HEALTH AND WELFARE AGENCY ADMINISTRATOR, 1963-1964

Pat Brown's Style of Governing: Working with Hale Champion

Morris: What was it that brought on your being asked to take on the Health and Welfare Agency?

Christian: As part of the work of the commission, we were coordinated with the Department of Finance because whatever we did was going to have large financial impact. The director of finance was Hale Champion--.

Morris: Already. Okay.

Christian: --who was not only the director of finance but the most important single advisor on all political and governmental matters to Pat Brown.

Morris: Really?

Christian: Yes, very important. He raised with me the question of the then Health and Welfare Agency, it was then called.

Morris: It had already been created.

Christian: It had been created fairly recently. The agency administrator was Sam Leask who had been chief administrative officer of the City of Los Angeles. He wanted to retire, so Hale asked me, "Is there a chance you would be available to do that?" I thought about it and we talked it over with the governor and I decided to do that.

Morris: Were you intrigued at all by this concept of a coordinating mechanism?

Christian: Yes, I was very interested.

Morris: Was this something that Hale was pushing also?

Christian: Well, the four agencies had been created by statute already, fairly recently. I don't know who was--. That was before my time.

Morris: Pat had had a committee on reorganization of state government when he was first in office as governor.¹

Christian: There was also the Little Hoover Commission. So I don't know where it came from.

Morris: It was probably state-of-the-art. Although I understand that Hale was interested in how a governor maintains control over all the units of government that he has to administer.²

Christian: Yes. I found him, Hale, at all times very supportive. There was a good deal of end-running going on of department heads who didn't think they needed to belong to an agency. Hale was always an element who tried to prevent that.

Morris: Did Sam Leask have any advice for you as to how to grapple with this new creation?

Christian: He strongly advised me to keep the secretary and the senior policy assistant that he had, which turned out to be very good advice.

Morris: Find things in the files?

Christian: He told me about the difficulties and complexities of getting work through the state bureaucracy. He had a personal assistant who had come out of the state bureaucracy, Cal Locher.

Morris: Cal?

Christian: Calvin Locher [spells it]. Cal was one of these people who came into state service--there are droves of them--late in the Depression or early after the war when there wasn't a lot of employment opportunity. A lot of college-educated people went into state service. It was loaded with very able people. Cal

¹ See "The Agency Plan for California," December 1959 report to Governor Brown by the Committee on Reorganization of State Government.

² See Hale Champion, Communication and Problem-Solving: A Journalist in State Government, Regional Oral History Office, University of California, Berkeley, 1981.

was one of those. So I did ask him to stay and he was immensely helpful.

Morris: Had the career executive assignment been created yet or was it being formed?

Christian: It was just being created. Then he told me something about dealings with the legislature. He had a genial observation or two about the governor.

Morris: To wit?

Christian: To wit, don't bother him with details. [laughter]

Morris: How about to be sure that you're the last person to talk to him before it's time to--.

Christian: Oh, everybody knew that.

Morris: Is that a true saying or is that a matter of perception?

Christian: I haven't thought about this. I think it is true saying on some issues. If the issue wasn't anchored in Pat's inner being, then he could be quite changeable. I don't even think that's objectionable, because a governor who is hearing somebody trying to sell him something--He has a right to say, well, that sounds right. It sounds [as if] we can do that. Then he has a right to hear somebody else give a totally different appraisal. He has a right to change his mind.

He was somewhat given to that. He wouldn't say, the way an organized administrator would who would recognize that this was a tendentious pitch that's being made, "Now wait a minute. Let's get together the people who have something at stake here and get this worked out." He didn't have the insight to do that, so he would listen to one and then he'd listen to another and get himself into some trouble. But the net effect of the whole thing was not inappropriate.

Morris: He gave everybody hope.

Christian: I think he did himself a lot of damage by not having the insight to control this in a more disciplined way. He hurt himself and not everybody else.

Morris: The art of bringing about consensus he had not fully developed.

Christian: On other things that were grounded in his personal set of values he wouldn't change his mind. Such as, is education

important or is the University of California a grand institution that deserves support or am I against the death penalty. There were many things like that on which he was totally rock-solid.

Morris: And water?

Christian: Right. He got committed to resource development, acquiring an understanding and a value system that was integrated, was grounded on facts.

Learning the Finer Points of Public Administration

Morris: So then, after Mr. Leask had breathed a sigh of relief and gone back to Los Angeles, what did you do about making this your job?

Christian: I came in without a lot of direction from the governor. I reported to him and he was gracious and welcoming. I then entered a relationship of closer contact with him than I had ever had before: being a member of the cabinet, attending all cabinet meetings, commonly being present at a press briefing if it was going to cover my area, and then eventually making my own circle of friends in the administration. I had had, as the résumé indicates, no experience in heavy-duty administration at all. So I came in with experience only of being a lawyer or a judge working with a secretary or a helper and from that, suddenly propelled into a management role in the largest and most controversial cluster of programs in state government.

Morris: It was already the most controversial?

Christian: Oh, yes. There would be a disastrous death in a state mental hospital, or welfare programs were always controversial. The health department, generally not, because public health was so superbly run by--.

Morris: Malcolm Merrill?

Christian: Malcolm Merrill was the director in my time, a wonderful man.¹ He would do anything except move the headquarters of the health department to Sacramento. [laughter]

Morris: That's a historical fact that went on back in 1860.

Christian: Deputy Director Harold Erickson and the anti-smoking cadre-- Lester Breslow.²

Morris: Yes.

Christian: Just a distinguished group of people.

Morris: A lot of those folks had national reputations.

Christian: Oh, yes. Imagine having a health department led by a group of people like that. Marvelous.

Morris: They were going to take things where they wanted them to go, is that right?

Christian: Oh, yes, but they had nothing but support. I understood what they were doing and admired them and believed in their program and so did Pat Brown. He gave them nothing but support.

There was a charming incident of Malcolm Merrill saying that they were proposing to issue a regulation making birth control information more readily available as part of the maternal and child health program. He said that he thought that it would be a good idea and would I mind--this was his delicate way of putting an end run which he definitely needed in this instance--shouldn't we talk to the governor about this. I said, "I think we should."

So I set up the interview and they brought in a little package with a federal regulation that allowed the change and the regulation they proposed to issue and some things about

¹See Dr. Merrill's oral history in Earl Warren and the State Department of Public Health, Regional Oral History Office, University of California, Berkeley, 1973.

² For information on Dr. Breslow's work as head of the Division of Preventive Health, subsequent director of the Department of Public Health, and in passage of federal Medicare/Medicaid legislation, see Breslow's oral history Vision and Reality in State Health Care: Medi-Cal and Other Public Programs, 1946-1975, Regional Oral History Office, University of California, Berkeley, 1985.

cost and a draft press release, the whole thing. The governor listened to all this and he said, "You know, this seems like an issue of professional rather than political concern. Why are you here?"

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Christian: Merrill hemmed and hawed a bit, and it became clear that the proposed regulatory revision had in it no little element of pressure on counties to make the information or services available. The governor had insistent questions to be sure there would be no pressure on the aid recipient.

Upon receiving adequate assurances, Pat told us to go ahead but make sure that the press secretary, Jack Burby, got him properly briefed for his press conference. It was a humdinger of a press conference.

Morris: Really? It raised a lot of media questions?

Christian: The press thought they really had him, but he handled it very well.

Morris: That sounds like not only an end-run but also covering your flanks.

Christian: This was just pure Malcolm Merrill. He had good insight and he knew how to handle such a situation.

Staffing and Budget Alliances

Morris: What did you have in the way of staffing?

Christian: At that point, I was relying on staff from the departments entirely. I had only a secretary and the administrative assistant, the same Cal Locher. I did not find a lot of trouble in this because the Department of Finance cooperated with me in developing budget proposals so I had in effect a finance staff available in the Department of Finance. There was a problem in mental health for a while but the relationships in all the departments except mental health were-- Wedemeyer and I had been collaborating for all this time and had become close friends. As soon as I got acquainted with Malcolm, I saw what a star he was. I had all the help I needed from them.

Morris: My sense is that Wedemeyer got pushed out, eased out or somewhere there was a problem.

Christian: I believe he stayed until the end of the Brown administration.

Morris: Okay. You worked with him throughout your tenure.

Christian: Yes.

Morris: How much control did you have over the budgets of those departments or how much of an active role in the department management?

Christian: My style was very different. Another administrator, who was a close friend, was Hugo Fisher in the Resources Agency. Hugo was determined to establish personal control. He had a very tight grip on his departments. My style, I think, is better-suited to the circumstances and that is to understand what people are doing and form a judgment as to their capacities and limitations and provide an opportunity for maximum self-directed activity; to know what's happening and to be able to guide or to overrule as necessary. That's the way I tried to do it.

Morris: How about your interaction, then, with the Department of Finance and Hale as director?

Christian: Maybe I was unduly subservient but I thought I had a realistic sense of what was possible for the state to do. I was not a bust-the-budget activist. I knew that the governor just couldn't produce an additional billion dollars for one of my programs by saying so. We worked with finance and said, "Look, here's where we need incremental help in this area. Let's see if you can find it." Hale's a liberal-minded person with a serious view of the functions of government. He was very helpful. It was an alliance.

Morris: I am interested because in subsequent years there has been a lot of verbiage on the subject of the Department of Finance as the enemy, as it were, and the Department of Finance as manipulators of funding and trying to assume a role in policymaking.

Christian: I think if that happens, that's a very big failure on the part of a governor. I think I could see that happening in [Governor George] Deukmejian's time because Deukmejian was not very much interested in governing. But in Pat Brown's time, they knew very well who was the governor. They were not it. They were

finance staff to the governor working through Hale, who was very much the governor's policy person. So the governor would talk in cabinet about, well, this year we have to do so and so.

I'm just giving you my perception of it, which is that this was a very well-done function by Hale and the finance department.

Morris: I know Hale went on to be a government theoretician but he had started out also in journalism.

Christian: Journalism, right.

Morris: Where did he pick up his sense of understanding and sense of government moderation?

Christian: The man has a superior intellect. He's one of the brightest people I've ever known. He started out in government as the governor's press secretary. Meanwhile, he's reading; he's a citizen of the world; he's getting all this information. He's watching the affairs of state, learns more and more and becomes executive secretary after Fred Dutton left and continues to learn state programs inside and out, found that he was thinking financially. He had no financial training, but by the time I joined late in the administration--I was there just for the second term--Hale had gained a comprehensive understanding of state programs and their financial implications.

Morris: You came in just as the second term was gearing up.

Christian: --was starting. Hale was in complete command of that budget. He knew that budget inside and out. Very, very masterly.

Morris: Was he a source of learning for you?

Christian: Sure. A very friendly person, nice to work with.

Jesse Unruh and Legislative Opposition to the Governor

Morris: Another major player on the scene at that point was Jesse Unruh, the speaker of the assembly.

Christian: Yes.

Morris: Did you have dealings with him?

Christian: He knew who I was. I had been with him in some public events but there was not close relationship. I dealt more with his staff people. What the heck is his name?

Morris: Larry Margolis?

Christian: Larry Margolis. And a woman--I forgot her name--who was a particular follower of mental health programs. Then there was a fellow who--Unruh had quite an establishment in the legislature, so that the people on the Ways and Means staff were really Unruh's people. So there was a very strong internal structure in his house of the legislature.

Morris: Were they allies or opponents?

Christian: By that time, they were opponents of the governor's.

Morris: On just Health and Welfare?

Christian: Everything. They were trying to run him out.

I could see it. I think most anybody who worked inside at that time would agree that there was a comprehensive, thought-out plan to run the governor out.

Morris: It was already in place by the time you came into the administration?

Christian: Yes. They wanted him not to run for a third term. And in hindsight, maybe they were right. [laughter] But it was something else. Pat would never believe it.

Morris: It would be hard to believe. It would be terrible for your morale.

Christian: Yes. We saw what was happening.

Morris: What form did it take?

Christian: Any legislative initiative was made into an opportunity for the governor to lose. There would be very hostile hearings on regulations. They would get their allies to do a hostile hearing on a senate confirmation.

Morris: Were they hostile to you when you had to go to them?

Christian: Oh, yes. Very difficult.

Morris: Hostile, but they wouldn't refuse to confirm you.

Christian: My job did not require confirmation.

Morris: Oh. So this is just hearings on--.

Christian: I would not have had any trouble anyway with senate confirmation--you see, the opposition was in the assembly. They had some friends on the senate side so there were a couple of instances of confirmations that were troublesome. That came later on. They were very busy both in the legislature and in press activity and in party activity in creating an alternative source of authority that was independent of and not helpful to the governor. They made the last years of his second term very difficult.

Morris: Has that had any historical consequences?

Christian: I think it did in that Unruh, through those moves, established a reputation that did him in in the end. He got the Big Daddy, brutality, power-mad image. I once saw him knock a woman off a bar stool. He was really a terrible person. The political establishment and the press establishment understood that and it prevented him from--.

Morris: Oh, when he did run for governor they withheld their--.

Christian: There just wasn't a lot of support for him. So then he inched into this treasurer job and just stayed there until his death.

Morris: I always thought that was a spectacular strategic move, kind of breathtaking in its audacity.

Christian: Yes. They made something out of that little job, too.

Morris: Like Burton, he saw the potential. You were around at the time. Do you have any sense that it might have possible to reconcile the two men? Was there a serious effort made to keep Pat from running for a third term within the administration?

Christian: No, not within the administration. I believe there were private conversations between Pat and Jesse and probably Pat and Jerry Waldie, who was a prime ally of Jesse, and also Bob Crown. No, Crown was more passive. It would have been Waldie and Jesse.

Morris: Waldie was Democratic caucus chairman at that point?

Christian: I think he was, but definitely part of the Unruh group.

Morris: But also close to Bob Crown.

Christian: Yes. Crown was Ways and Means chairman. Crown was a more passive figure really. I had the impression of Unruh and Waldie as never missing, very manipulative, observant of all things. People out there working, doing things, you would suddenly find out--oh, they're at it again. That was absent from Crown although Crown was part of the Unruh group. He was chair of Ways and Means, a prestigious job, because Unruh put him there, but he had no meanness in him at all.

Department of Mental Hygiene Emergency

Morris: Did the manipulative quality of the opposition have an impact on what you were trying to do as Health and Welfare administrator?

Christian: I had to carry out some pretty careful footwork in some aspects of the program. For some reason, they got very interested in mental health. They developed their own lines of communication with the mental health director. This was after Dr. [Daniel] Blaine retired. There was a Dan Lieberman, his name was, who had been deputy director. He was promoted to director, which I thought was appropriate. I think I recommended him.

Then there got to be problems in the department, and I thought it was not being managed appropriately. There also were signs of some of the Unruh and Ways and Means staff people moving into the department with their own agenda, so they had their own policy agendas which the department was following without necessarily being in the best interests of the program.

Morris: Was the Ways and Means Committee seeking to determine the policy?

Christian: For this to have meaning, I would have to identify issues for you. I can't at this distance. But it was very clear that Ways and Means Committee people were having more say about staff assignments and program changes, both in respect to mental health and the retardation program.

Morris: Jerry Waldie was carrying legislation for mental retardation programs then.

- Christian: Waldie was an activist. That's correct. My relations with Waldie were always very correct. I thought that his program ideas were generally sound.
- Morris: He had a big constituency of parents and professionals and that kind of thing.
- Christian: Right. But the time came when I felt that we needed to change the director of mental health.¹ This was hard play.
- Morris: It got a lot of press.
- Christian: I explained to the governor what was going on, why I felt that a change needed to happen. So he dismissed the director without having a successor ready because there wasn't any way we could secretly recruit a person of adequate standing to be the new director when there wasn't a vacancy.
- Morris: There was some conversation, according to the press, with Dr. John Porterfield, who was then at UC San Francisco.
- Christian: Before Lieberman left? I don't think so. Maybe Porterfield was thought about when Lieberman was being appointed.
- Morris: Yes.
- Christian: I think that's possible.
- Morris: According to his recollection as reported in the Chronicle, somebody talked to him the Friday before the meeting at Agnews State Hospital where Dr. Lieberman was told his services were no longer needed.
- Christian: It's possible. I probably made that call. I don't remember. What we did, this was a very serious problem amounting to an emergency--.
- Morris: Not to have a director?
- Christian: Not to have a director and potentially be unable to recruit, because if the perception goes out in the mental health profession that a qualified professional has been canned because of politics, then you can't find a successor.
- Morris: The profession closes ranks.

¹ Dr. Daniel Lieberman was asked to resign in October 1963. See notes in supporting documents for chronology.

Christian: Right. So what we did was to--. Oh. And there was a delegation of distraught psychiatrists who wanted to see the governor. I'm asked about this so I said, "Let's see them." A suggestion was that what we ought to do is propose for their consideration, the group that came, a set of criteria for what kind of a person we were looking for. You see, they were afraid that we were going to take some broken-down politician and make him--.

Morris: Or even worse than that, a non-medical person.

Christian: Right. So the idea was to get through that in the first discussion by letting them see--.

Morris: You, in fact, didn't think about that. That wasn't an economy move or anything like that?

Christian: No. The idea was that there should be [criteria]. I've forgotten what the criteria were. He needs to be a member of the American Psychiatric Association. There were two or three other professional tickets that he should have. He also should have had experience in senior management of a large mental health program, and we gave some dollar amount, so we weren't proposing to go to Rhode Island and get somebody who ran a school for the retarded and bring him into this program.

So this was a very good interview. They were very surprised. We seemed to be interested in trying to get quality here. The criteria that were proposed were with one or two non-substantial modifications accepted by them as being appropriate. Then the search continued. This was a very difficult play.

Morris: Because Lieberman had left. There was no one to lead or to run this department?

Christian: That's right. There was an acting director but that didn't last. So we finally got Dr. James Lowry from the U.S. Public Health Service.¹

Morris: Was he already in California?

¹ See interviews with Dr. Lowry in Perspectives on Department Administration, California, 1953-1966, Regional Oral History Office, University of California, Berkeley, 1980, and Services for Californians: Executive Department Issues, 1967-1974, Regional Oral History Office, University of California, Berkeley, 1986.

- Christian: No, he was in Washington. I went and interviewed him in Washington. We were blessed by the circumstance that he was retirement-eligible. He was a young and vigorous man but he had been twenty years in the U.S. Public Health Service so he could retire on full benefits. So he retired, came to California and took over the mental health department.
- Morris: Yes, and turned out to be a survivor on into the Reagan administration.
- Christian: I thought he was superb. He had full insight as to programs. Now, he was in essence kind of an old-style federal bureaucrat. He did not have a lot of pizzazz. But his intellect was more than adequate. He was fully up to speed with program developments. His program ideas were modern. He immediately established proper management within the department. All the internal problems went away. Now, what the perception of outside mental-health professionals and activists might be, I'm not sure. I think some people might not have accepted him.
- Morris: It was a beginning of an era. There was a challenge by the staff. A couple of years later, there was a big uproar about patients' rights and then there was the one about decentralizing psychiatric services.
- Christian: Right. Then, of course, the whole department was overtaken by the patients'-rights movement which deinstitutionalized everything.
- Morris: Was that visible when you were in--?
- Christian: What was visible was the early stage of it. We believed that there was too much institutionalization going on and that local services should be provided. That's what the Short-Doyle [community mental health services] program was about. That was part of the governor's program. We helped to start that.

The way it's turned out, it's a calamity. These helpless people have been turned out of institutional care to nothing.

Establishing the Department of Rehabilitation

- Morris: Were there other major things that you recall in the Health and Welfare Agency? The one that occurred to me was organizing rehabilitation as a department rather than a--.

Christian: That was in my time. That was a result of a study that showed that if it were taken out of the Department of Education where it used to be and created as its own department, there were some arrangements that could be made that would improve federal funding. Of course, Rehabilitation obviously had its own attraction as a part of the Health and Welfare Agency. If it's part of the agency, we could better coordinate rehab activities with mental health and other Health and Welfare programs.

Max Rafferty was the superintendent of public instruction then. The governor invited him to come for a talk to consider this proposal. I, and somebody from Finance I think, presented the scheme and why we thought it was a good idea. Rafferty says, "I would like to have a short time to consider this with my staff. But I believe we will be able to support this." So he went off and considered it and came back and said he supported it.

Morris: Even though it took a big chunk--.

Christian: --took a big chunk of his activity away. But he saw it as being not central to the education mission. Also, he was a very political guy and it had no interest to him. So he was glad to tear it lose.

VI PAT BROWN'S EXECUTIVE SECRETARY, 1964-1966

Adventures in Cabinet Management

- Morris: Is your time such that we could talk a little more and talk about your years as executive secretary?
- Christian: Yes.
- Morris: Good. What was going on that moved you out of health and welfare administration into the executive secretary spot?
- Christian: There was a vacancy created or about to be created. That was caused by Arthur Alarcon, who had been the executive secretary, going to be chairman of the Adult Authority.
- Morris: That's something that he wanted to do more than he wanted to be executive secretary?
- Christian: I have some speculations on which I will hold my tongue.
- Morris: You weren't close enough to Alarcon to have any--.
- Christian: No.
- Morris: Was the cabinet and the immediate group around Pat large enough that it was--?
- Christian: Right. The cabinet was a group of twelve or thirteen including the director of Finance. Hale was always a cabinet member. Then the legislative secretary (at that time Paul Ward) would be there during the session. The cabinet secretary was always there, Frank Mesplé at that time, and the executive secretary would normally be there. That was Alarcon.
- Morris: But it didn't work to be personally close to Alarcon?

- Christian: It did not turn out that way. Our paths didn't cross. Of course, I knew him and I had been in his office and we were friendly, but we were not close.
- Morris: Did he ask you if you would move into the executive secretary job?
- Christian: No. I think it was either the governor or Hale.
- Morris: What did you think about that proposition?
- Christian: Well, I like a life of adventure, so I was happy to do it. The governor said he was quite impressed that I took a major pay cut to do it.
- Morris: Really? Good heavens. For a rising young man with a family.
- Christian: Of course, I'm glad I did it. It was terrific fun.
- Morris: Different.
- Christian: Oh, yes. Very different and a lot of fun. It was more political. I was into more programs. And, of course, much closer. I was then in daily contact with the governor all the time. So it was great fun.
- Morris: Did Frank Mesplé continue as cabinet secretary?
- Christian: Yes, he did.
- Morris: How did the two of you work things out? The cabinet secretary has been described as the gate-keeper and sometimes that's been a tension spot within the governor's office.
- Christian: In those days, the executive secretary was the chief of staff, overseeing gate-keeping in the sense of calendaring and so on.
- Morris: Who gets to see the governor?
- Christian: It was handled by the senior-level lady who was secretary to the governor. That was Mary Alice Lemmon. Then the executive secretary--I watched what was happening generally; I didn't pay much attention to the calendar. Again, my style is not to be over-controlling of what's going on. Mary Alice and I immediately became friends. If something funny showed up on the calendar, she would come over and show me. She'd say, "Should this happen?" I'd say, "Hell, no." And then I'd cause it to not happen. [laughter]

Frank Mesplé was a trusty friend.

Morris: Also very knowledgeable about the personalities involved.

Christian: Yes, very well informed in the politics of the whole thing. I found him frustrating because he was not an organized worker. I would give him something to do and have to go find out a week later that because of work pressure it hadn't been done. So that was a problem. I don't want to over--emphasize this. Frank, who is gone now, was a very good person. Mesplé had been legislative secretary. He came over to be cabinet secretary. Paul Ward had then been legislative secretary for a while and he succeeded me as Health and Welfare Administrator. So he was out of the governor's office when I came in. He's someone you really should interview if you have a chance.

##

Morris: Yes, indeed. We haven't caught up with Paul Ward yet but we hope to get to him.

Christian: I hope you will. I hope he's still with us. I haven't had any contact with him in a while.

Morris: As far as I know. We watch the obituary page. [laughter]

Christian: You're making me sentimental with these recollections. That was a classy group of people.

Morris: Yes, indeed. Very exciting but very difficult times.

Christian: Quite something else. When we lost the election, Hale said, "You know, I think we should offer ourselves out as an government ready-to-go to some Central American republic." [laughter]

Morris: As a management team. Oh, that's wonderful.

Policy Development: Medi-Cal

Christian: Paul was a very important figure in all this. He is a learned man in healthcare administration: health insurance, health administration generally.

Morris: Is this something he learned on the job?

Christian: Yes.

Morris: Where was your administrative group in the coming of the Medicare and--?

Christian: Your question prompts the observation that the public health professionals, excellent as they were, were not politically in tune enough to be a means of implementing policy ideas in that area.

Morris: Really? Even though Dr. Lester Breslow was very much part of national public health policy committees in those years?

Christian: Yes, right. So our movements in those areas came more from the welfare side, and from Paul himself after he became Health and Welfare secretary. Paul is a major intellect. Never misses anything, sees relationships, understands programs and how they inter-relate. Of course, he had input from Public Health but it wasn't a thing where the Public Health guys presented a total program for the political leadership to think about.

Morris: Public health professionals were working very hard, according to what I've been told, on getting the legislation passed in Congress. The piece that I really haven't heard is the role of the insurance industry, the underwriting side itself. Does that mean that Paul Ward got involved in talking to insurance companies, actuarial people?

Christian: Yes. All of that. By that time he had more staff in the agency.

Morris: Did he call upon you for some input?

Christian: No. I am a generalist. I had interest in this and learned something about it but I did not take that responsibility with me when I moved to the governor's office.

Morris: Going into '65 and '66, were you folks in close with Pat Brown aware that the Medi-Cal program was moving faster than you had predicted?

Christian: Yes.

Morris: And that was what it was? It was moving faster than predicted?

Christian: Right.

- Morris: Was that a budget message or did it come in from the people in the Office of Health Care Services that were in charge of the program?
- Christian: A budget, of course, is a projection of financial events before they happen. While it is going on, the Department of Finance also is watching program activities.
- Morris: And it is people in Finance, rather than the people in the Office of Health Care Services who sound an alarm?
- Christian: I can't remember that. There would be Finance staff working with them. I don't know where that information came from.
- Morris: Was it enough of a concern that it would have had priority beyond other issues?
- Christian: No. Maybe it should have but it didn't.
- Morris: Again, I'm talking from hindsight, wondering what things looked like.
- Christian: My recollection is that we did not see the importance of it at first.
- Morris: How much did Pat rely upon you for a sense of what was going on out there and what you might try to do?
- Christian: As to health insurance and health care generally?
- Morris: Health insurance particularly and the other issues.
- Christian: He did not follow it that closely. He couldn't, with all the other things he had. So when there was a legislative issue, we would put together a staff meeting for him with a document. He would very quickly--. He has a very good capacity to understand materials quickly. He'd come right up to speed with it and then he'd say, well, you guys seem to be on the right track; or he might direct a change of course.
- Morris: And rely on what the staff put together in terms of the pros and cons, the pitfalls?
- Christian: Quite a lot, but he would be likely to have information from other sources.

The Governor's Reading

Morris: The Reagan administration was known for doing this discussion on a one-page summary. Did you guys use a larger document?

Christian: [laughter] We used a larger document. Pat Brown would read stuff. One of the touching things: he always felt that he wasn't getting--he'd say, "I need more information. Things are happening out here that I don't know about." So he would get documents. I would see him--this was when I was executive secretary and being much closer to him--he would be carrying home every night two enormous briefcases. In the morning, they would come back and then at night they would go home with him again.

I said, "Do you mind if I take those briefcases down, because there might be something there that you need to do, and then get rid of some of the other stuff and give you a reading list?" "Would you please?" So I would do that about every couple of weeks, search through his briefcases.

What I found from this was what he was trying to read. He is very widely read. He was reading the principal policy journals of the day, not just in state government but in lots of areas. There would be, of course, the usual bureaucratic material, legislative reports. The man was, in an unsystematic way, just an open receptacle for information and impulses.

Morris: In what was a period of just burgeoning policy research and policy statements.

Christian: Right.

Morris: Do you think he had much time to do reading? He is also very gregarious and has always seemed to enjoy being with people?

Christian: He would read at night a lot. He wasn't in for a lot of evening social life. The manner is very open and very gregarious, as you say. But he was not a party person, so if he was flying someplace or had an evening at home, he's reading.

Increasing Responsibilities

Morris: How would a day as executive secretary go? Were there specific times that you saw him?

Christian: There would be, we'll say, a press conference in the morning. The press is going to be in at eight. So we would have a breakfast briefing at the [governor's] mansion at 6:30. The press secretary, Jack Burby, was there, Hale would be there, I would be there, and if there was some particular issue that was expected, then the agency head, department head, or whoever might be involved, would participate in the briefing.

So we would have this breakfast and press briefing. We'd then get to the office. I would not attend the press conference. I would go do my other things. The press secretary's on hand at the press conference. I'm listening to delegations or mediating a beef or whatever happens.

Morris: So you serve as sort of alternate to the governor with some groups?

Christian: There got to be more of that as I got more experience, and also as campaign time came along until, last six months before the third-term election, I in effect functioned in place of the governor for some government activities. If there were judicial appointments to make, I would do the screening, do the interviewing and then bring a recommendation to the governor. He would be off, say, in San Diego for a campaign event. We had prearranged that on a certain evening I would come down and meet him. I would bring him a load of papers: judicial appointments, pardons, bills to sign, all the lot. Then I'd go back to Sacramento and implement his decisions.

This he and I did in a thoroughly responsible way. He didn't give me carte blanche to do things he didn't know about, but he trusted me by then and I was careful not to take advantage of that trust and to keep him informed. So we never got in trouble.

VII 1966 ELECTION CAMPAIGNS

Democratic Party Weaknesses

- Morris: When you became executive secretary in '64, was there already a sense that one was gearing up for the '66 campaign?
- Christian: Definitely. Oh, yes.
- Morris: That far in advance.
- Christian: Definitely. From day one, it was campaign time.
- Morris: Was Hale chief strategist for that?
- Christian: Yes, I would say he was. Don was around some and Hale was chief strategist.
- Morris: Did you get a sense of a relationship with the Democratic party of California as such or was that kind of a split thing between legislative interests and the governor's?
- Christian: Pat was not a good nurturer of party structure. Maybe somebody who was better at that would have been led to neglect the governmental role. We've seen since what's happened. Party structure is dissolving at all levels. Pat would intervene to the extent of being for helping somebody like Bob Coate become state chairman and then would not follow up very persistently. So Bob felt neglected.
- Morris: Coate as head of the party didn't have access to the governor?
- Christian: It was not so much lack of access as, Bob might of thought, insufficient investment in all the activities that might have strengthened the party. But in defense, Pat had to run a government. So I find it hard to criticize.

- Morris: Right. By 1966, you've got another party power center in the legislature keeping--.
- Christian: They were building their own operation with Carmen Warschaw when all that stuff was going on essentially.
- Morris: All of these things are really important to try and reconstruct what happened from different perspectives.
- Christian: From this distance, I'm very skeptical that any of these things had much effect.
- Morris: In terms of whether Pat would or would not have been reelected?
- Christian: Right. He was beaten by Ronald Reagan. I doubt that a change in party relationships would have changed that.
- Morris: Could you see, again from the wisdom of hindsight, the Republican party gathering strength and/or a more conservative mood becoming evident in that party?
- Christian: I had a general feeling that a cyclical change was under way. One didn't know that it would be so drastic or so quick but one had the feeling that the élan of the Democratic administration that emerged in 1959 was fading. You could feel that.
- Morris: Pat particularly or on a larger--?
- Christian: Oh, perhaps to some extent with him, but in a larger sense. In other words, if there was--. When they first came in, it was Pat and Clair Engle and Jesse Unruh and Bobby Crown and the rest of a victorious insurgent group carrying us over the hill.
- Morris: And swept the Democrats into most of the top jobs in the state.
- Christian: So they did that. Then they began to look around. It's just natural.

1964 Senate Race: Clair Engle and Pierre Salinger

- Morris: Yes. Would you have been involved at all in the business about finding a new senator when Clair Engle was so ill in 1964?
- Christian: Yes.
- Morris: How did that come to you?

- Christian: I was involved with Hale and the party people at that time and we were very concerned. I did a little inquiry of my own in Washington and determined what the status of Clair's health was.
- Morris: That he was dying?
- Christian: That he was not going ever to function again. It was very clear.
- Morris: Just that he couldn't function anymore as senator?
- Christian: Right. We had convincing information as to what was happening. I got involved in a discussion with Clair's brother. There wasn't a lot we could do but we thought that the interests of the family as well as the party were that he ought to resign.
- Morris: Mrs. Engle didn't feel that way.
- Christian: No. She was adamant not to have him resign. There was great delicacy about this because the situation called for it, so there wasn't pressure. There wasn't any way to put pressure on. It wouldn't have been suitable anyway. But there were representations and they were not successful.
- Morris: I guess everybody at the top level of Democratic politics was making representations.
- Christian: Yes.
- Morris: Was Pierre Salinger a compromise choice or somebody who had been being groomed to come on?
- Christian: Oh, no. That was totally self-starting. I think the governor's choice would have been [Alan] Cranston.
- Morris: Was [Stanley] Mosk a contender at that point?
- Christian: I'll bet he was. I can't remember. I think he was.
- Morris: But Pat and Alan Cranston were close at that point?
- Christian: They were closer than Pat ever was with Mosk.
- Morris: Really. What about Pat's own interests in the United States Senate, for himself?

- Christian: That was not in question at all. It would have been impossible.
- Morris: He couldn't appoint himself--.
- Christian: He could appoint himself but it would never work.
- Morris: Given the dynamics.
- Christian: He would never have considered it.
- Morris: Did it have an impact on running the state?
- Christian: No. This state is so big and powerful, it doesn't matter. You don't pay any attention to Congress until some law comes out.
- Morris: But in terms of the time it takes to deal with a crisis like that?
- Christian: It was not a major concern in terms of the administration. People were worried about it but nobody was obsessed with it. It was just an unusually important appointment to be made.
- Morris: It was just a more complicated appointment matter than usual. Amazing.

Proposition 14. Fair Housing Initiative: Brown's Legislative Program

- Morris: How about Proposition 14, the fair housing measure that was on the ballot that November?
- Christian: Yes. That is the earliest incident that I recall, although there probably are earlier ones that I just don't remember or wasn't involved in, of Pat's public involvement in a civil-rights issue. Obviously dangerous to him. But it was administration policy to support fair housing.
- Morris: So the governor had been supporting Assemblyman Byron Rumford in trying to develop that?
- Christian: Right.
- Morris: And when the initiative surfaced in response to passage of the Rumford bill, Pat followed through in supporting the Rumford side of that measure during the fall 1964 campaign. Did Pat's

support of fair housing in 1964 cause him problems in the 1966 campaign?

Christian: The Rumford measure was part of the administration's legislative program.

Morris: As executive secretary, do you help define what that legislative program is going to be?

Christian: I was one of a group. It would be very much everybody close in who was involved in the act. There was a formal set of proposals from departments in their own areas. That would come through the cabinet secretary. We would have some big meetings in which issues would get prioritized. Then the governor would pick, in consultation with staff--I had a role in that, but so did the legislative secretary and the cabinet secretary. Hale would pick the smaller number of measures that he would identify as particular to Pat's program. I think Hale had the greatest influence in that.

Morris: In terms of what might fly with the legislature--.

Christian: And what the public interest needed and what was financially and politically feasible.

Morris: Was the possible response of the media a concern?

Christian: Oh, sure. So it is an art of, here's something you would like to do. Okay. Is it possible? What are the odds? What do you have to do? It's an art.

Morris: I can believe that.

VIII TRANSITION TO THE REAGAN ADMINISTRATION

Morris: When did you begin to start planning the transition over to the Reagan administration?

Christian: Shortly after the election results. The transition didn't amount to much. I had brief contact with Reagan's first executive secretary, a fellow named [Philip] Battaglia. But it was evident that their whole operation had the view that the Brown administration was a bunch of bums and that they had nothing to learn from us, so they just kept their distance, even after the inaugural ball. There wasn't much transition activity.

Morris: Although it has since become a ritual kind of thing.

Christian: It should be done more but it is not really critical because there is institutional memory in these departments through the permanent staff, the permanent civil service who are there. So you can change leadership at the top. It would be better if you could be better informed, but a new administrator will catch up pretty quickly.

Morris: Were there some things that you wanted to do or Pat wanted to do to kind of wind up the administration to leave things tidy or make a mark?

Christian: We stayed at our jobs and did what we were supposed to do. I don't think there was any---. He filled all judicial vacancies. [laughter]

Morris: That's a ritual, too.

Christian: There were quite a few. There had been some legislation creating new positions, including several on the court of appeal both here and in Los Angeles. He had more friends in San Francisco and more vacancies in LA. He asked if I would go to Los Angeles. I said, "Please don't do that." [laughter]

IX RETURN TO THE BENCH

Thoughts on the Judiciary

- Morris: So you did go on the state court of appeal. Had you contemplated going back on the bench at some point?
- Christian: I thought I might, but there had been no conversation about it and no commitment. I told him toward the end that I would like to go back to judicial work.
- Morris: Did things that you had worked on in the governor's office or in the Health and Welfare administration come up to you on the court of appeal?
- Christian: A few did, not many. I had to disqualify in a couple of cases. One was a welfare regulation issue where the regulation had been issued during my time. So I just got off the case. There was another one. Well, it was very rare. I think only a couple of instances.
- Morris: Did you have a sense of change in approach of judges to their duties? By then, we were in the early era of "judicial activism."
- Christian: The question calls for more scholarship in legal history than I have. I have some impressions that probably aren't worth a lot that there was a time, oh, from the close of the Civil War period up until the thirties when the courts, state and federal, were pretty much unconsciously the captive of the establishment.
- Morris: Economic?
- Christian: The broad establishment. Contracts shall be enforced, statutes are valid, prisoners should serve time, that sort of thing. Then came the New Deal and some revolutions in legal education which brought about a gradual loosening of those ideas and a

more self-consciously critical attitude toward the judicial and legal function. You got in some federal courts and some state courts at about the same time judges who were critical enough in insight to be able to stand back and say, "Wait a minute. This contract, although it is all printed and signed, doesn't really represent the intentions of the parties very well."

Judicial activist, that's just a slogan; but there was much more willingness to adjust the establishment's arrangements, both state and federal. This was particularly true in the state supreme court with judges like Matthew Tobriner, Roger Traynor, and before them Oliver Carter--.

Morris: Chief Justice Phil Gibson?

Christian: Gibson was much more careful. Tobriner would lead the court in holding that it is unconstitutional to require family members to participate in responsibility for the support of--.

Morris: An indigent member?

Christian: Indigent members, or someone in a mental hospital or hospital for the retarded. There were some cases--Some of this happened when I was Health and Welfare [Administrator]. I remember thinking, I wish we could get that court to take on a budget analyst so they would know the consequence of what they are doing. They would do something like that without any care about what it does to public resources that have to be taken away from education, prisons, highways, or some other purpose, in order to meet this thing they decided to do.

Morris: Which is a good thing in its own?

Christian: A good thing in and of itself, but not really, in my view, a judicial function. In other words, it would be much better to let the legislature and the governor figure it out.

Remembering Parties in Sacramento##

Christian: Now, maybe I have to get back to work. [laughter]

Morris: You ought to at least get lunch. I thank you.

Christian: You are a good interviewer. You've brought out of my memory things I had forgotten.

- Morris: Good. You've provided a human-interaction piece about people who we haven't had the connections for before. It is really nice of you to take the time.
- Christian: We had good parties in those days. My wife is not a party-giving type at all, but these people all became our friends and she saw that there was need, that it would help. We had a large house in Land Park [Sacramento neighborhood]. We gave lots and lots of staff and department-head parties. A lot of business got done at those parties but it was great fun too.
- Morris: It really helps when everybody is away from home, as it were, in Sacramento. It would help because the numbers were getting so large of people in the Brown administration?
- Christian: Yes. You could put together--There's this little awkwardness between some sets of people. You could put together a thing, "Hey, come to dinner. The other guys are going to be here. Bring your thoughts. After dinner, we are going to go over some of this and see if we could sort it out." So there would be no surprises and everybody would come with the idea of trying to accomplish something useful.
- Morris: Yes, and they would maybe put in a little thought beforehand.
- Christian: Right.
- Morris: Did you take some classes or courses or do some specific reading in administration theory or management techniques or did you just learn all this by watching?
- Christian: I had taken no courses. I did some reading in public administration. I've read a lot of military history. There is much pertinent learning there about what is the right level for personal authority to try to control. There is much about the importance of communication so everybody understands what the plan is that you are trying to put into action. I think that's more where I came from.
- Morris: It's really interesting to hear you describe your perception of the organic processes that went on. I thank you.
- Christian: All right.

X POST SCRIPT

[The following questions were included in the edited transcript of the interview when it was sent to Judge Christian for review. He answered them in writing.]

- Question: How did you happen to decide to leave the appeal court and return to law practice; your particular interests in corporate law?
- Christian: I had become jaded after many years in what had become a routine function, and decided to enter law practice in a firm where I had good friends. The corporate practice came to me unsought when Bank of America needed management and strategic guidance in its very large litigation function.
- Question: Your vita indicates you spend a good amount of time on service activities: are there some issues in which you've been especially involved--improving operation of the courts? law and society? etc? That can be better pursued off the bench?
- Christian: I feel a strong responsibility to work toward improvements of courts and other legal institutions, i.e., the social structures in which I primarily work and have personal knowledge. The effort can be pursued, in different ways, from the bench or from law practice.
- Question: Would you add a comment about your activities as a board member of the Legal Aid Society and how far back your interest in the organization goes? Our office is currently working on a history of the Society, so we like to gather information from as many people as possible.
- Christian: I was asked to join the board of the San Francisco Legal Aid Society when I became director of litigation at Bank of America. The board (established bar) provides fundraising support and very general policy guidance. It is no adverse comment to say that the Society is very much run by its able and dedicated staff (led by Joan Graff). The San Francisco

Legal Aid Society chose a role (employment law) that is not usual. That was a deliberate choice when substantial federal money was directed to more traditional legal aid functions through the San Francisco Legal Assistance Foundation. With federal aid increasingly tenuous it may be necessary to reconsider the mission of the society.

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March 1992

VITA

Gabrielle Morris
Senior Editor

Professional Activities

Interviewer-editor, Regional Oral History Office, 1970-present.
Specialist in state government history, Bay Area community concerns;
focus on key participants' perceptions of selected administrative,
social, economic, and political issues in California 1938-present.

Project director, Bay Area Foundation History Projects (1974-1977,
1986-), UC Black Alumni Project (1984-), Ronald Reagan
Gubernatorial Era Project (1979-1990), Volunteer Leaders Series,
(1978-), Cutter Laboratories Project (1972-1974).

Coordinator, California State Archives Government History Project,
University of California, Berkeley, component, 1986-1990.

Panelist and consultant, Joint Center for Political Studies, Oral
History Association, Northwest Oral History Association, National
Council on Public History, UC Santa Barbara public history program,
Society of American Archivists, local historical societies and museums;
advisor, UC Office of Relations with Schools, UC Graduate School of
Education, California Heritage Quilt Project, California Heritage Task
Force, others.

Prior Experience

Historian, U.S. Air Force, documentation of Berlin Air Force, other
post-World War II issues. Research, writing, policy development on
community issues for University of California, Bay Area Council of
Social Planning, Berkeley Unified School District, others.

Education

Graduate of Connecticut College, New London, in economics;
independent study in journalism, creative writing; additional study at
Trinity College and Stanford University.

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